

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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THE BANK OF NEW YORK MELLON,

Case No. 2:17-CV-2146 JCM (GWF)

Plaintiff(s),

ORDER

V.

SOUTHERN HIGHLANDS COMMUNITY
ASSOCIATION, et al.,

Defendant(s).

Presently before the court is defendant SFR Investment Pool 1, LLC's motion for demand for security of costs. (ECF No. 10). Defendant asks that plaintiff Bank of New York Mellon (BNYM) file security of costs in the amount of \$500.00 in favor of the defendant pursuant to NRS 18.130(1) because plaintiff is a non-resident of Nevada.

The Ninth Circuit recognizes that “federal district courts have inherent power to require plaintiffs to post security for costs.” *Simulnet E. Assocs. v. Ramada Hotel Operating Co.*, 37 F.3d 573, 574 (9th Cir. 1994). A federal district court typically follows the forum state’s practice regarding security of costs, particularly when a party is a non-resident. *See, e.g.*, 10 Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 2671 (3d ed. 1998). Section 18.130 of the Nevada Revised Statutes provides that the court may require an out-of-state plaintiff to post a security for costs in an amount up to \$500.00 upon request by a defendant. Nev. Rev. Stat. § 18.130.

This court finds it appropriate to order security of costs in this matter.

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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion for demand for security of costs (ECF No. 10) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that plaintiff shall post security in the amount of \$500.00 within fourteen (14) days of the entry of this order.

DATED September 25, 2017.

James C. Mahan
UNITED STATES DISTRICT JUDGE